

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
625 Broadway  
Albany, New York 12233-1550

In the Matter

- of the -

PROPOSED REVISION TO  
NEW YORK STATE IMPLEMENTATION PLAN  
OZONE (8-HOUR NATIONAL AMBIENT AIR QUALITY STANDARD) -  
ATTAINMENT DEMONSTRATION FOR POUGHKEEPSIE, NEW YORK AREA  
(Dutchess, Putnam and Orange Counties)

HEARING REPORT

- by -

/s/

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Daniel O'Connell  
Administrative Law Judge

## Background

Staff from the New York State Department of Environmental Conservation (Department staff) proposes revisions the New York State Implementation Plan (SIP) for Ozone (8-hour National Ambient Air Quality Standard [NAAQS]) - Attainment Demonstration for the Poughkeepsie, New York Area. This designated area is composed of Dutchess, Putnam and Orange Counties. The proposed revision is necessary to meet the 8-hour ozone standard that the United States Environmental Protection Agency (EPA) promulgated on July 18, 1997. A copy of the proposed SIP related to the Poughkeepsie, New York area is available for review on the Department's web site at <http://www.dec.ny.gov/chemical/37152.html>.

## Hearing Notice

Notice of the hearing was published in the August 29, 2007 editions of the *Poughkeepsie Journal*, the *Middletown Times Herald*, and the *Journal News*. In addition, the hearing notice was published in the Department's *Environmental Notice Bulletin* on August 29, 2007. According to the notice, written comments were received by Department staff through October 11, 2007.

## Legislative Hearing

The legislative hearing concerning the proposed revisions to the SIP was held at 2:00 p.m. on Thursday, October 4, 2007 at the Residence Inn by Marriott, 14 Schuyler Boulevard, Fishkill, NY 12524. DEC Administrative Law Judge (ALJ) Daniel P. O'Connell presided over the hearing.

Environmental Engineer Robert Bielawa from the Department's Division of Air Resources, Air Quality Planning Bureau, gave a summary of the purposes of the SIP revision. Mr. Bielawa explained that the proposed SIP revision would meet the requirements of Section 182 of the Clean Air Act Amendments of 1990. He stated that the proposal contains the 2002 baseline emission inventory, projection inventories for 2008 and 2009, a predictive photochemical modeling attainment demonstration, and the control measures and programs that would be implemented by the Department to achieve attainment with EPA's 8-hour ozone national ambient air quality standard for the Poughkeepsie, New York area.

Ann E. Davis, Ph.D. is an Assistant Professor of Economics at Marist College, and is a member of the Dutchess County Environmental Management Council. Dr. Davis was the only member

of the public to attend the legislative hearing, and offered the following comments. First, she noted that a factor associated with ground level ozone formation is temperature, and that ozone formation increases with rising temperatures. Dr. Davis inquired whether the air modeling undertaken by Department staff accounted for temperature increases associated with global warming. She noted that the SIP may need to include additional programs to account for the anticipated increase in ozone formation related to climate change.

Second, Dr. Davis pointed to the Hudson River Valley Greenway Compact (the Compact) as a model agreement for other local government to emulate. According to Dr. Davis, local governments could use agreements, such as the Compact, to develop regional development plans that would limit suburban sprawl by promoting cluster development, as well as by maintaining and conserving open space.

Finally, Dr. Davis supports the use of low emission vehicles as a strategy to reduce the air emissions that contribute to ground level ozone formation, and the regulations that promote their usage. Furthermore, she encouraged the Department to develop additional regulations that would increase inspection requirements, and require better maintenance of all motor vehicles. Dr. Davis supports more restrictive controls on emissions from diesel vehicles.